Remarks:

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 15 - 32 are presently pending in the application. Claims 9 - 11, 13 and 14 have been cancelled, herein. Claims 1 - 8 and 12 were previously canceled in response to an indication that claims 9 - 11 and 13 - 14 would be allowable, which indication was withdrawn in item 2 of the above-named Office Action. New claims have been added 15 - 32.

In item 4 of the Office Action, claims 9 - 11 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U. S. Patent No. 5,923,624 to Groeger et al ("GROEGER") in view of U. S. Patent No. 6,823,225 to Sass ("SASS"), in view of In re Venner, 262 F. 2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) ("VENNER"). In item 5 of the Office Action, claim 13 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over GROEGER and SASS, in view of U. S. Patent No. 6,111,963 to Thompson, III ("THOMPSON") and VENNER. In item 6 of the Office Action, claim 14 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U. S. Patent No. 6,112,064 to Arrowsmith et al ("ARROWSMITH") in view of SASS.

Applicants respectfully traverse the above rejections, as applied to the new claims.

More particularly, new independent claim 15 recites, among

other limitations:

> storing in the storage and playback device at least one
> prerecorded message **and message particulars associated
> with the at least one prerecorded message;**
>
> . . .
>
> **the microcontroller periodically causing** the at least one
> prerecorded message to be played over the speaker
> connected to the radio, **based on the stored message
> particulars associated with the at least one prerecorded
> message.** [emphasis added by Applicants

As such, Applicants' new claim 15 requires, among other

limitations, **the microcontroller** to control the playing of the

prerecorded message **based on** at least one **stored message**

particular associated with the prerecorded message.

Similarly, Applicants' independent claim 31 recites, among

other limitations:

> upon determining that an RDS signal is present and
> detecting a regular programmed commercial in the received
> radio broadcast, automatically playing the at least one
> prerecorded message instead; and
>
> otherwise **periodically playing the at least one
> prerecorded message** instead of the portion of the
> received radio broadcast **based on at least one message
> particular stored in the radio** with the at least one
> prerecorded message, **the at least one message particular
> being associated with** the at least one prerecorded
> message. [emphasis added by Applicants]

Applicants' new claims 15 and 31 are supported by the

specification of the instant application, for example,

paragraph [0030] of the instant application, which states:

> In use, a person or organization determines if his or
> its message is to be used with a radio having or not
> having an RDS. **Then the message to be played is
> determined along with the frequency, length of time,
> at what hour in the day, on which day or days, the
> message is to be played as well as any other
> particulars regarding the message. <u>The message
> particulars are then programmed into the micro
> controller 11, and the storage and playback circuit
> 12</u>**. One or more radios are provided with the
> programmed micro controller 11 and the audio IC 12 and
> distributed to one or more persons. The persons having
> the inventive radio then play the radio 10 as they
> would any other radio. **The prerecorded and stored
> message or messages will then be played back <u>in
> accordance with the programmed particulars</u>** of the
> **message or messages**.   [emphasis added by Applicants]

However, Applicants' new claims 15 and 31, and the claims

depending therefrom, are neither taught, nor suggested by the

cited references. More particularly, neither **GROEGER,** nor

SASS, teach or suggest associating and storing "**message**

particulars" with a prerecorded message or the use, **by a**

microcontroller or otherwise, of **the message particulars <u>to</u>**

<u>determine</u> when to replay the prerecorded message.

Rather, **GROEGER** discloses requiring a user to **actuate a**

playback button 46 to replay information stored in memory 12.

See, for example, col. 4 of **GROEGER,** lines 5 - 12, which

state:

Instead, operating part 4 can be attached to car radio 2 to reproduce the recorded audio signals using playback unit 10. For this purpose**, when playback button 46 on operating part 4 is actuated, the output of recording unit 6 is connected via changeover switch 26 to playback unit 10 and the audio signal stored in memory 12 of recording unit 6 is played back.** [emphasis added by Applicants]

See also, col. 3 of **GROEGER,** lines 1 - 10, which state:

In traffic radio decoder 24 connected to the output of demodulator 22, the demodulated signal is monitored for the occurrence of announcement identifiers and upon occurrence of such an identifier, the associated information is stored in a first area of memory 12 of recording unit 6 reserved for traffic information. **By actuating a playback button 46 on operating part 4, the content of memory 12 can be output at any time via playback unit 10,** memory 12 being connected via changeover switch 26 to playback unit 10 for this purpose. [emphasis added by Applicants]

Applicants note that col. 3 of **GROEGER,** lines 1 - 6 (quoted above) recite that "the demodulated signal is monitored for the occurrence of **announcement identifiers** and upon occurrence of such an identifier, **the associated information is stored** in a first area of memory 12 of recording unit 6 reserved for traffic information". As such, although **GROEGER** discloses **storing** audio information (i.e., the "associated information", which is replayed on the playback unit 10) based on a detected identifier, **GROEGER** fails to teach or suggest **storing the announcement identifiers,** itself, in the memory. Further, **GROEGER** fails to teach or suggest **a microcontroller periodically causing** the at least one prerecorded message to

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be played over the speaker connected to the radio, **based on
stored announcement identifiers or any other stored
information associated with the stored traffic information**.

Additionally, the **SASS** reference, cited in the Office Action
in combination with **GROEGER**, fails to teach or suggest, among
other limitations of Applicants' claims 15 and 31, **periodically
causing** the at least one prerecorded message to be played over
the speaker connected to the radio, **based on the stored
message particulars associated with the at least one
prerecorded message**, or a **microprocessor** using the stored
message particulars to cause the playing of the prerecorded
material as required by Applicants' claim 15. Although **SASS**
discloses storing an access code (i.e., col. 11 of **SASS**, lines
16 - 17) or the receiver's network address or identification
number (i.e., col. 8 of **SASS**, line 18), these are not
Applicant's particularly claimed "**message particulars**", as
they are associated with a receiver or a user **and not with the
prerecorded message**, as required by Applicants' claim 15.
Applicants' claim 15 requires, among other things, that the
"message particulars" be "message particulars associated with
the at least one prerecorded message". This is not the case
in **SASS**. Rather, col. 8 of **SASS**, lines 16 - 19, state:

> When a receiver communicates with server 14, server 14
> can identify the receiver's geographic location **based
> on its network address or its identification number**

that is assigned to the receiver when the receiver is
initially registered. [emphasis added by Applicants]

See also, col. 11 of **SASS**, lines 14 – 40, which states:

The method would begin by identifying a user 200. This
may be performed by receiver 12 by a number of
different methods. For example, receiver 12 may
require an access code to be entered by the user **that
identifies the user or receiver 12 may detect the user
from information on detachable memory device 36.**
Alternatively, the user may be assumed to be the
person who is registered as the owner of receiver 12.
The user's characteristics would then be identified
202. This may be performed by referencing **user
characteristics** stored in data base 204. Data base 204
may comprise information and configuration manager 35,
detachable memory device 36, memory 34, or memory 42
of server 14. User characteristics may include a large
variety of information, such as age, sex, preferences,
profession, income, residence, language, and
interests.

Once the user's characteristics have been determined,
information that is relevant to the user is selected.
The information that is **relevant to the user** may be
stored on data base 204 which may comprise memory 34,
detachable memory device 36, or memory 42 of server
14. The information may include commercials, programs,
news, weather, and system generated messages. If the
selected information is stored in memory 42 of server
14, the information is transmitted to receiver 12 for
storage or play. [emphasis added by Applicants]

SASS only teaches storing information relevant/identifying **the**

user or the **receiver,** but **not** **information associated with a**

prerecorded message. As such, as can be seen from **SASS**, like

GROEGER, SASS fails to teach or suggest, among other

limitations of Applicants' claims 15 and 31, **storing message**

particulars **associated** **with the prerecorded message** and

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replaying the prerecorded message **based on at least one of the stored message particulars**.

As such, **GROEGER** and **SASS**, taken alone, or in combination, fail to teach or suggest Applicants' present claims 15 and 31.

As Applicants' claims 15 and 31 recites particular structure that, processes and/or determinations, upon which the determination to play the prerecorded message is based, it is believed that the **VENNER** case does not apply. More particularly, Applicants are not, merely, reciting a formerly manual process as now operating "automatically".

As such, Applicants' claims 15 and 31, and those claims depending therefrom, are believed to be patentable over **GROEGER, SASS** and **VENNER**, taken alone, or in combination.

The **THOMPSON** reference, cited in the Office Action in combination with **GROEGER** and **SASS**, against Applicants' former dependent claim 13, additionally fails to teach or suggest, among other limitations of Applicants' claims 15 and 31, **storing** message particulars **associated with the prerecorded message** and **replaying the prerecorded message based on at least one of the stored message particulars**. Rather, **THOMPSON** discloses **sequential** playback of audio messages **when the**

ignition switch is initially turned on and subsequently **when the transmission selector is moved** in either direction from reverse gear, providing a five minute period had elapsed from the previous message. See, col. 1 of **THOMPSON**, lines 46 - 56. As such, since the playback of audio messages in **THOMPSON** is sequentially activated by physical events, there is no need in **THOMPSON** for the storage of Applicants' claimed **message particulars** and no teaching or suggestion to use Applicants' particularly claimed message particulars to determine when to replay a prerecorded message.

The **ARROWSMITH** reference, cited in the Office Action in combination with **SASS** against Applicant's claim 14, does not cure the above-discussed deficiencies of the **GROEGER**, **SASS**, and **THOMPSON** references. More particularly, **ARROWSMITH** additionally fails to teach or suggest, among other limitations of Applicants' claims, <u>storing</u> **message particulars associated with a prerecorded message** and **replaying the prerecorded message** <u>based on at least one of the stored message particulars</u>.

As such, Applicants' claims 15 and 31 are also believed to be patentable over **GROEGER**, **SASS**, **VENNER**, **THOMPSON** and **ARROWSMITH**, taken alone, or in combination.

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Applicants' dependent claims 16 and 32, further distinguish

those claims from **GROEGER** by reciting, among other

limitations, that:

> **the stored message particulars include at least one of:**
>
>> a) **how often** the at least one prerecorded message is
>> to be played,
>>
>> b) **the length of time** for which the at least one
>> prerecorded message is to be played,
>>
>> c) **the hour of day** at which the at least one
>> prerecorded message is to be played, and
>>
>> d) **on which day or days** the at least one prerecorded
>> message is to be played;   [emphasis added by
>> Applicants]

As such, Applicants' new claims 16 and 31 require, among other

limitations, playing the prerecorded message **based on at least**

one stored message particular associated with the prerecorded

message; **wherein the message particular is at least one of,**

frequency of play, length of play time, the hour of day of

play or which day(s) the message is to be played. Neither

GROEGER, nor **SASS** teach or suggest storing locally any of the

above-specified types of message particulars associated with a

prerecorded program, or even using such types of information

to determine when to play the prerecorded messages.

None of the cited references **store** Applicants' particularly

claimed "**message particulars**" of claims 16 and 32, or replay

the prerecorded message based on at least one of Applicants'

particularly claimed **stored message particulars**. THOMPSON and

ARROWSMITH do not cure the above-disclosed deficiencies of the

GROEGER and **SASS** references.

As such, Applicants' claims 16 and 31 are believed to be

patentable over the cited references.

Further, Applicants' independent claim 24 is additionally

believed to be patentable over the cited art. More

particularly, Applicants' new claim 24 recites, among other

limitations:

> a storage and playback device connected between a
> demodulator and an audio amplifier of said radio; and
>
> **a timer to automatically initiate periodic playback of
> at least one prerecorded message** by the storage and
> playback device. [emphasis added by Applicants]

Applicants' former claim 13 included similar limitations to

those of present claim 24, among others. Page 5 of the Office

Action stated, in connection with Applicants' former claim 13,

in part:

> Further, Groeger and Sass fails [sic] to specifically
> disclose a timer.

Rather, the Office Action uses **THOMPSON** in combination with

GROEGER and **SASS** to allegedly disclose Applicants' claimed

timer. Applicants respectfully disagree.

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More particularly, Applicants' invention of claim 24 requires,
among other limitations, a **timer to automatically initiate
periodic playback of at least one prerecorded message** by the
storage and playback device. Contrary to Applicants'
invention of claim 24, the **THOMPSON** reference discloses a
**timer for <u>not</u> initiating periodic playback of an audio
message**. Rather, as disclosed in **THOMPSON**, playback is
automatically triggered by a physical event **<u>unless it occurs
before expiration of the timer</u>**, in which case, **the message is
<u>not</u> played**. This can be seen from col. 1 of **THOMPSON**, lines
52 - 56, which state:

> In accordance with the present invention **playback
> occurs when the vehicles ignition switch is initially
> turned on and subsequently when the transmission
> selector is moved** in either direction from reverse
> gear; **<u>providing a five minute period had elapsed from
> the previous message</u>**. [emphasis added by Applicants]

This can be even more clearly seen from col. 4 of **THOMPSON**,
lines 45 - 49, which states:

> a trigger and retrigger holdoff circuit, connected to
> receive output signal from said input logic and filter
> circuit, **to provide an output signal <u>and suppress</u> any
> additional said output signals <u>for a finite period of
> time</u>**;

As such, although **THOMPSON** discloses a timer, it is <u>**not**</u>, as
required by Applicants' claim 24, a **timer <u>to automatically
initiate</u>** periodic playback of at least one prerecorded message

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by the storage and playback device. Rather, **THOMPSON** discloses initiating playback of an audio message **in response to a physical action** (i.e., ignition switch is turned on or gear shift moved) and a **timer to suppress the playback of an audio message**, in response to the physical action occurring within a finite period of time. At no time does the expiration of the timer **in THOMPSON** "**automatically initiate periodic playback**" (i.e., playback in **THOMPSON** is **initiated** by a physical action and **suppressed** by the timer) of at least one prerecorded message, as required by Applicants' claim 24.

The **ARROWSMITH** reference fails to cure the above-discussed deficiencies of the **GROEGER, SASS** and **THOMPSON** references, as applied to Applicants' independent claim 24. Additionally, as at least one physical element of Applicants' claim 24 is missing from the cited art (i.e., the references do not teach or suggest playback initiated by a timer, automatically or otherwise), it is believed that the **VENNER** case rejection has been mooted. As such, Applicants' independent claim 24, and claims depending therefrom, are additionally believed to be patentable over **GROEGER, SASS, VENNER, THOMPSON** and **ARROWSMITH**.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest

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the features of claims 15, 24 and 31. Claims 15, 24 and 31

are, therefore, believed to be patentable over the art. The

dependent claims are believed to be patentable as well because

they all are ultimately dependent on claims 15, 24 or 31.

In view of the foregoing, reconsideration and allowance of

claims 15 - 32 are solicited.

In the event the Examiner should still find any of the claims

to be unpatentable, counsel would appreciate receiving a

telephone call so that, if possible, patentable language can

be worked out.

Additionally, please consider the present as a petition for a

three (3) month extension of time, and please provide a three

(3) month extension of time, to and including, September 27,

2006 to respond to the present Office Action.

The extension fee for response within a period of three (3)

months for a small entity pursuant to Section 1.136(a) in the

amount of $510.00 in accordance with Section 1.17 is enclosed

herewith.

Please provide any additional extensions of time that may be

necessary and charge any other fees that might be due with

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respect to Sections 1.16 and 1.17 to the Deposit Account of

Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

For Applicants

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September 27, 2006

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